

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO: 5:14-CR-70-FL

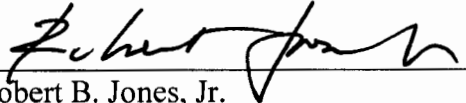
UNITED STATES OF AMERICA	)	
	)	
v.	)	<u>ORDER</u>
	)	
SANTOS PENALOZA-MILLAN,	)	
	)	
Defendant.	)	

This matter is before the court with regard to Defendant's liberty status pending sentencing. At Defendant's arraignment, following his plea of guilty pursuant to a plea agreement, to an offense arising under 18 U.S.C. §§ 841(a)(1) and 846, the government moved for detention pursuant to 18 U.S.C. § 3143(a). Defendant indicated through counsel he did not wish to be heard on the issue of detention. After consideration of the positions of the parties and Defendant's pretrial services report, the court finds that: (1) exceptions to mandatory detention under 18 U.S.C. § 3143(a)(2)(A)(i) & (ii) do not apply, and (2) Defendant has failed to show by clear and convincing evidence that he is not likely to flee or pose a danger to the safety of any other person or the community. 18 U.S.C. § 3143(a)(2)(B). Finally, Defendant has otherwise failed to clearly show that there are exceptional reasons his detention is not appropriate under 18 U.S.C. § 3145(c).

Accordingly, Defendant is COMMITTED to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded reasonable opportunity for private consultation with counsel. On order of a court of the United

States or on request of an attorney for the government, Defendant shall be delivered to a United States marshal for the purpose of an appearance in connection with a court proceeding.

So ordered, the 12th day of June 2014.

  
Robert B. Jones, Jr.  
United States Magistrate Judge